

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1892 – SB 1830

March 21, 2016

SUMMARY OF ORIGINAL BILL: Prohibits any general permit from imposing post construction storm water requirements that are more restrictive than the Federal Water Pollution Control Act or any federal regulations.

Requires that any general permit requiring the management of post construction storm water to allow local entities administering a municipal separate storm water system to exercise the maximum permissible discretion in selecting appropriate measures to meet requirements.

Requires the Commissioner of Environment and Conservation (TDEC) to promulgate rules pursuant to Tennessee Code Annotated, Title 4, Chapter 5, prior to implementation of any general permit that imposes post construction storm water requirements.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (013239, 014749): Amendment 013239 deletes all language of the original bill. Prohibits any national pollutant discharge elimination system (NPDES) permit issued to a local government entity administering a municipal separate storm sewer system from imposing post construction storm water requirements beyond the extent necessary to comply with minimum standards of federal law. Requires any NPDES permits issued to local government entities that include numeric or narrative effluent limitations for managing post construction storm water to allow for discretion in selecting measures to meet any such limitations. Prohibits the state from requiring any local government entity administering a municipal separate storm water system under NPDES permits to impose control measures for post-construction storm water that exceed minimum requirements by federal law. Requires local government entities that adopt control measures that exceed federal requirements to do so by a resolution or ordinance by the legislative body upon a majority vote. Exempts any ordinances or resolutions in effect on the effective date of this act, but does not preclude a local government entity that administers such system from making changes consistent with the bill as amended or seeking coverage under any future version of the NPDES.

Amendment 014749 deletes and replaces language of the bill as amended by amendment 013239 to establish that when a local government entity seeks coverage under any future version of the NPDES permit after January 1, 2017, rather than after the effective date of this act (upon becoming a law), any ordinance or resolution must be consistent with this Act.

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FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

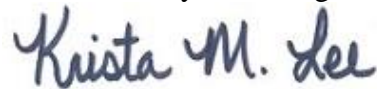
Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to TDEC, the state currently manages urban storm water discharges by small municipal systems through a general NPDES permit process designed to provide broad statewide guidance to meet local implementation strategies. Currently, there are 93 Phase II MS4s with general permits and one Phase II MS4 with an individual permit.
- According to TDEC, a Phase II MS4 general permit is currently issued for a term of five years pursuant to state and federal law. The process to issue a general permit takes approximately one year and includes a public comment period. Prohibiting permits from imposing any post construction storm water requirements, unless such requirements are necessary to comply with any federal regulations, and allowing local government entities full discretion to meet such requirements, in addition to allowing such entities to adopt control measures that exceed federal law by ordinance or resolution, will not result in a significant fiscal impact to the state or local governments.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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